

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America

v.

Craig Dewalt

Defendant)
)
)
)
)
)

Case No. 15-8513MJ


CRIMINAL COMPLAINT

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about February 27, 2015, in the special aircraft jurisdiction of the United States, defendant Craig Dewalt, while on an aircraft publically and indecently exposed his genitalia while onboard Southwest Airlines flight 333, enroute from Burbank, California to Phoenix, Arizona in violation of Title 49, United States Code, § 46506(2), Application of certain criminal laws to acts on aircraft and D.C. Code § 22-1312, Lewd, indecent, or obscene acts.

I further state that I am a Special Agent with Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein.

AUTHORIZED BY: AUSA Lisa Jennis ☒ Continued on the attached sheet.*Complainant's signature*


Donald R. Went, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

11-10-15


Judge's signature

City and state: Phoenix, Arizona

Hon. John Z. Boyle, U.S. Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Donald R. Wente, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for over 20 years. I am assigned to the Phoenix Division of the FBI and serve as the Airport Liaison Agent at Phoenix Sky Harbor International Airport where I investigate violations of Federal law which occur within the airport environment and on board aircraft. In my capacity as Airport Liaison Agent, I work with other law enforcement agencies at Sky Harbor Airport, including the Phoenix Police Department.
2. This statement of probable cause supports a criminal complaint against CRAIG DEWALT ("DEWALT") for violation of Title 49, United States Code, Section 46506(2), Application of certain criminal laws to acts on aircraft and District of Columbia Code Sections 22-1312, Lewd, indecent, or obscene acts. Specifically, on February 27, 2015, onboard Southwest Airlines flight 333 from Burbank, California to Phoenix, Arizona, DEWALT exposed his penis and handled it while in view of and seated next to a female passenger.
3. The facts set forth in this statement of probable cause are based on my personal observations, my training and experience, and my review of information received from other law enforcement officers and witnesses. This statement is intended to show there is probable cause for the violation and does not purport to set forth all my knowledge or investigation into this matter.
4. Special Aircraft Jurisdiction of the United States applies to any civil aircraft of the United States while the aircraft is in flight under Title 49, United States Code, Section 46501(2)(A). An "aircraft in flight" is defined in Section 46501(1)(A), as "an aircraft from the moment all external doors are closed

following boarding – (A) through the moment when one external door is opened to allow passengers to leave the aircraft;...”

5. Title 49, United States Code, Section 46506(2) states, in pertinent part, “[a]n individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that ... (2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code Section 22-1112), shall be fined under Title 18, imprisoned under section 9 of the Act, or both.”

6. District of Columbia Code Section 22-1312, which had previously been codified at Section 22-1112, makes it unlawful for “a person, in public, to make an obscene or indelicate exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in Section 22-3001(8). . . . A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”

FACTS ESTABLISHING PROBABLE CAUSE

7. On February 27, 2015, at approximately 3:30 pm the Phoenix Police Department received a report of a man who exposed himself onboard Southwest Airlines flight 333 arriving from Burbank, California. Phoenix Police Officers met the plane upon its arrival at Phoenix Sky Harbor Airport. DEWALT was seated in seat 20A, a window seat, and was removed from the plane by Phoenix Police officers. Interviews of DEWALT and the female passengers seated next to him were conducted by responding police officers.

8. DEWALT was told by the interviewing police officer that he was being questioned about allegations that he exposed his penis to women onboard the aircraft. The officer noted the strong smell of alcohol coming from DEWALT and asked if he had been drinking. DEWALT said he had a drink at the Burbank Airport but was not served alcohol on the plane. DEWALT denied adjusting his shorts during the flight.

9. The female passenger seated next to DEWALT in the middle seat was interviewed by a Phoenix Police officer and said she was shaken from the incident. She said about two minutes after takeoff from the Burbank airport she noticed DEWALT's penis was out of his pants and erect. When his penis started going down DEWALT started tugging at it to get it hard. After he put his penis away, DEWALT spoke to this passenger about the flight. After the flight attendant came by and got their drink orders, DEWALT pulled his penis out a second time and began to play with it. DEWALT's right leg was rubbing up against the middle seat passenger and she whispered to the woman seated next to her, in the aisle seat, that the man next to her had his penis out. The aisle passenger immediately notified the flight attendant who reseated both women.

10. The middle seat passenger took a cell phone picture of DEWALT's exposed penis and provided it to the Phoenix Police. Your affiant has seen this picture and notes that it is a picture of an exposed penis protruding out from the pant leg of a person wearing tan colored shorts. The man's face cannot be seen. Your affiant has also observed photos of DEWALT taken at the time the Phoenix Police contacted him and notes that he is wearing similar looking tan shorts.

11. The woman seated in the aisle seat was also interviewed by the Phoenix Police Department. She stated she fell asleep on the flight and was asleep for approximately 30 minutes when she woke up and noticed the woman in the middle seat was sitting very close to her and appeared very uncomfortable. The woman in the middle seat told her that the man in the window seat had his penis out and was pulling on it. The aisle seat passenger notified the flight crew but did not see the man's exposed penis.

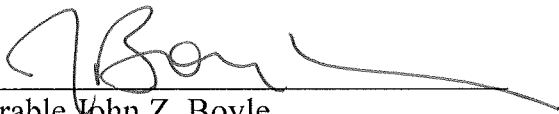
12. For these reasons, your affiant submits that there is probable cause to believe that DEWALT, while in the special aircraft jurisdiction of the United States, on February 27, 2015, onboard Southwest Airlines flight 333 from Burbank, California to Phoenix, Arizona did violate Title 49, United States

Code, Section 46506(2), Application of certain criminal laws to acts on aircraft and District of Columbia Code Sections 22-1312, Lewd, indecent, or obscene acts.



Donald R. Wente, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 10th day of November, 2015.



Honorable John Z. Boyle
United States Magistrate Judge